

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

MARIO LACY,  
Plaintiff.

v.

WILLIAM J. FEENEY, JR.,  
KENNETH HEARNS, JEAN  
MOSES ACLOQUE and THE CITY  
OF BOSTON,  
Defendants.

CIVIL ACTION NO. 04-11492-WGY

**DEFENDANTS' PROPOSED VERDICT ON SPECIAL QUESTIONS TO THE JURY**

1. Do you find that the plaintiff, Mario Lacy, has established by a preponderance of the evidence that the defendants performed an anal body cavity search on him?

Jean Moises Acloque	Yes _____	No _____
Kenneth Hearns	Yes _____	No _____

If you responded yes to any, please proceed to question 5.

If you responded no to all, please proceed to question 2.

2. Do you find that the plaintiff, Mario Lacy, has established by a preponderance of evidence that defendant Kenneth Hearns performed a strip search on him?

Kenneth Hearns	Yes _____	No _____
----------------	-----------	----------

If you responded yes, please proceed to question 3.

If you responded no, please stop.

3. Was there reasonable suspicion to strip search the plaintiff on July 14, 2001

Yes _____	No _____
-----------	----------

If yes, please proceed to question 4.

If no, please proceed to question 5.

4. Was there probable cause to strip search the plaintiff on July 14, 2001.

Yes\_\_\_\_\_ No\_\_\_\_\_

If yes, please stop.

If no, please proceed to question 5.

5. Has the plaintiff proven by a preponderance of the evidence that William Feeney's action or inaction as a supervisor, amounted to deliberate, reckless or callous indifference to the federal constitutional rights of the plaintiff and if yes, can his action or inaction be affirmatively linked to any misconduct of his subordinates.

Yes\_\_\_\_\_ No\_\_\_\_\_

If yes, please proceed to question 6.

If no, but you answered yes to question 1 and no to either question 3 or 4, please proceed to question 6.

6. Was the search the proximate cause of any damages suffered by the plaintiff.

Yes\_\_\_\_\_ No\_\_\_\_\_

If you responded yes please proceed to question 7.

If you responded no, please stop.

7. What amount of damages, if any, do you award to the plaintiff in compensatory damages.

Amount \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Foreperson